

REMARKS

Claims 1-8 are presented for reconsideration. New claims 9-12 have been added to provide additional coverage. Upon entry of the amendment, claims 1-12 will be pending.

Applicant notes that the rejections set forth in the Final Action were not previously asserted and relied on newly cited Karey et al U.S. Patent No. 4,757,183.

Claim Rejections Under 35 U.S.C. §112

Claims 1-8 have been rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner indicated at page 2 “specifically the specification discusses that the element might be electrically grounded on page 4, lines 11-12, which is not considered to be electrically isolated as claimed because to be electrically grounded requires a non-isolated relationship, i.e., an electrical conductor must be connected to a ground as specified.”

Applicant respectfully traverses the rejection. As noted by the Examiner, the thermal capacitance element “might” be grounded. This clearly indicates that the thermal capacitance element would typically be electrically isolated, but could be grounded if desired, for example, for preventing the possible accumulation of a static charge. A review of the drawings supports Applicant’s position since certainly, there are no drawings which show wires attached to the thermal capacitance element, and it would be clear to one of ordinary skill in the art that

the element can be and is electrically isolated. The grounding reference in the specification is merely to another possibility which is not being claimed.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-6 are rejected under 35 U.S.C. §102(b) as clearly anticipated by Karey et al U.S. Patent No. 4,757,183.

Applicant respectfully traverses the Examiner's rejection.

Applicant notes that the proper standard under 35 U.S.C. §102 for finding anticipation is that the prior art must disclose each and every limitation found in the claims either expressly or inherently. Applicant notes the proper standard under 35 U.S.C. §102 for finding anticipation is that the prior art must disclose each and every limitation found in the claims, either expressly or inherently. Rockwell International Corp. v. United States, 147 F.3d 1358, 1363 (Fed. Cir. 1998); Electro Med System S.A. v. Cooper Life Sciences, 34 F.3d 1048, 1052 (Fed. Cir. 1994). Furthermore, the omission of any claimed element no matter how insubstantial is grounds for traversing a rejection based on Section 102. Connell v. Sears Roebuck & Co., 772 F.2d 1542 (Fed. Cir. 1983).

Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. §102(b) because the Karey reference clearly does not disclose an electrically isolated element. Instead, the Karey reference requires in pertinent part an analogous element which requires a remote electrical connection to heat the element which is energized by an electric (battery) power supply. A vapor deposit electrical heating element is shown in Figure 3 of Karey, and it is clear that the analogous electrical element is not an electrically isolated thermal-

capacitance element configured to moderate air temperature through the nozzle as recited in claim 1. For example at Karey Col. 3, lines 3 et seq., it is stated:

“To heat up the heat-accumulator heater element as well as to charge the rechargeable batteries feeding the fan motor, it is advantageous to integrate a plug assembly directly into the fan casing allowing it to be connected to a corresponding plug socket of a power supply unit. It is suitable to provide for two pairs of plug contacts, the first thereof serving to heat up the heater element by means of an alternating current power supply and the second thereof serving to charge the rechargeable batteries by means of an appropriate direct current voltage generated in the power supply unit. It will be insured by constructively designing the plug assembly, on the one side, and the plug socket, on the other side, that these two parts may only be plugged into one another when in the right position”

A consideration of the Karey reference as a whole likewise does not disclose, teach or suggest the electrically isolated thermal-capacitance element feature as recited.

Claims 2-6 which depend on claim 1 and dependent claims 7 and 8 which indirectly depend on claim 1 are patentable at least for the reasons advanced for claim 1.

Applicant also respectfully traverses the Examiner's rejection of claims 7-8 under 35 U.S.C. §103 as unpatentable over Karey in view of U.S. Patent No. 6,094,837 to Cantor. There is absolutely nothing in the Karey reference which would teach or suggest combining the teachings of Karey and, in particular, the structure defining the Karey outlet, with a comb teeth extension. There is nothing in Karey in the discharge opening 17 or the structure which surrounds the mixing chamber that would suggest a connection or an extension of any kind. The

structure of the Karey et al reference when considered as a whole would in fact teach away from any such comb teeth extending from the outlet aperture in either an integral structure or an attachment as respectively recited in claims 7 and 8.

New Claims 9-12


New claims 9-12 are fully supported by the specification and by the drawings, including Figures 3 and 4.

Claims 9-12 are patentable for the reason that none of the references cited by the Examiner disclose, teach or suggest a nozzle having at least one electrically isolated thermal-capacitance element configured to moderate air temperature as recited or comb teeth projecting in a generally parallel orientation to said central axis as recited.

For the foregoing reasons, it is respectfully submitted that all claims in the application as presented are in condition for allowance. Accordingly, favorable reconsideration by the Examiner is respectfully solicited.

Respectfully Submitted,

Michael Wai Ho Keong

By: 

Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: August 2, 2005
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: MCHK/111/US

GDY/tlc

G:\AYR saved docs\Filing Docs\M C H K\MCHK.167.US\MCHK.167.US Response To OA of 2-3-05.doc